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August 3, 2001

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AUG 3 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

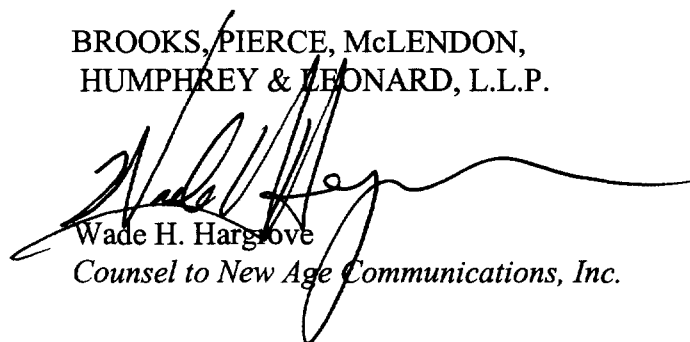
Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., TWA325
Washington, D.C. 20554

**Re: Radio Station WKIX(FM), Goldsboro, North Carolina
Petition for Rule Making**

Transmitted herewith, on behalf of New Age Communications, Inc., licensee of Radio Station WKIX(FM), Goldsboro, North Carolina, are an original and four copies of a Petition for Rule Making requesting a change of community of license.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.


Wade H. Hargrove
Counsel to New Age Communications, Inc.

Enclosures

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01-182

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Goldsboro and Smithfield, North Carolina))

MM Docket No. _____
RM- _____

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AUG 3 2001

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

PETITION FOR RULE MAKING

New Age Communications, Inc. ("NAC"), licensee of Station WKIX(FM), Channel 272A, Goldsboro, North Carolina, by its counsel and pursuant to Sections 1.401 and 1.420(i) of the Commission's rules, 47 C.F.R. §§ 1.401, 1.420(i), hereby petitions the Commission to specify a new community of license for WKIX. In particular, NAC requests that the Commission amend the Table of FM Allotments, 47 C.F.R. § 73.202(b), by (i) deleting Channel 272A from Goldsboro, North Carolina, (ii) adding Channel 272A to Smithfield, North Carolina, and (iii) modifying the license for WKIX(FM), Goldsboro, North Carolina, to specify "Smithfield, North Carolina" as the Station's community of license. In support of this Petition, NAC shows the following:

NAC is the licensee of WKIX(FM), Goldsboro, North Carolina. NAC is currently operating WKIX under Automatic Program Test Authority with the facilities authorized in BPH-19980825IC.

Pursuant to Section 1.420(i) of the Commission's rules, NAC is requesting that the Commission amend the Table of FM Allotments by changing WKIX's community allotment from Goldsboro, North Carolina, to Smithfield, North Carolina. *See* Modification of FM and TV

Authorizations to Specify a New Community of License, *Report and Order*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, *Memorandum Opinion and Order*, 5 FCC Rcd 7094 (1990). As the accompanying Engineering Exhibit shows, which is incorporated herein by reference, Channel 272A can be allotted to Smithfield, North Carolina, with a site restriction of 4.4 kilometers southeast of the community to avoid shortspacing to a station located on Channel 273A (WHLQ(FM)) at Louisburg, North Carolina. NAC's proposed allotment to Smithfield, North Carolina, is mutually exclusive with WKIX's present allotment at Goldsboro, North Carolina. This proposed change is permissible under Section 1.420(i) which expressly authorizes the Commission to "modify the license or permit of an FM or television broadcast station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's or permittee's present assignment."

NAC's proposal will result in a preferential arrangement of allotments pursuant to the Commission's FM allotment priorities as set forth in Revision of FM Assignment Policies and Procedures, *Second Report and Order*, 90 FCC 2d 88 (1982) ("*FM Assignment Policies*"). The Commission's FM allotment priorities are (1) first full-time aural service, (2) second full-time aural service, (3) first local service, and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3).

Smithfield, North Carolina, population 11,524 (July 2000), is located in central Johnston County, North Carolina, directly on the important Interstate 95 corridor. Smithfield is the county seat of Johnston County and contains the county's government offices and county courthouse.

Johnston County witnessed tremendous growth over the past decade, growing by 50.0%.¹ Smithfield itself is governed by a mayor and town council. The city provides water services to its residents, and there are numerous businesses, churches, and residential areas in the community. One daytime AM broadcast station is licensed to Smithfield (WMPM (1270 kHz)), but there are no full-time aural services licensed to the community. Smithfield is not located in any urbanized area; it is designated a city, as defined by the U.S. Census for North Carolina. The protected service contour of a relocated WKIX, operating on Channel 272A at maximum facilities at the reference site proposed for Smithfield (35° 28' 21" N, 78° 19' 43" W) will provide service to 140,802 persons in 2516 square kilometers.

Allotment of Channel 272A to Smithfield, North Carolina, will provide the community with its first local FM service and its first *full-time local* service. At the same time, deletion of the allotment of Channel 272A from Goldsboro, North Carolina, will not deprive that community of its only local service. In fact, FM Station WYMY (Channel 245C) and full-time AM Station WGBR (1150 kHz), as well as daytime AM Stations WFMC (730 kHz) and WSSG (1300 kHz), will remain licensed to Goldsboro, North Carolina. Indeed, first full-time local service to Smithfield is preferable to third full-time local service to Goldsboro. While Smithfield does receive aural service from a number of stations, including stations located in the significantly larger communities of Raleigh (population 276,093), Goldsboro (population 39,043), and Fayetteville (population

¹ According to the U.S. Census Bureau, the population of Johnston County in 1990 was 81,306 and its population in 2000 was 121,965. See <http://www.census.gov/population/cen2000/phc-t4/tab01.txt>.

121,015),² North Carolina, Smithfield is quite peripheral to those communities and none of those stations focus on providing local service for Smithfield. Given the recent growth of Johnston County, Smithfield's location in the geographical center of the county and its status as county seat, and the importance of the I-95 corridor, it would be in the public interest to allot to Smithfield its first FM local service and first full-time local service. *See FM Assignment Policies* at ¶¶ 6, 12 & 12 n.8 (recognizing that the original 1963 priorities, which included a priority "to provide each community with at least one FM broadcast station, especially where the community has only a daytime-only or local (Class IV) station, and especially where the community is outside of an urbanized area" would continue to influence the public interest determination, as would factors such as the growth rate of communities); *see also* Carmel Valley, Calif., MM Docket No. 99-171, *Report and Order*, DA 99-1707 (Allocations Branch released Aug. 27, 1999) (finding that first local FM service to a community where an AM station was already licensed to the community satisfied the Commission's allotment priorities).

If the Commission allots Channel 272A to Smithfield, NAC will promptly file an application for a construction permit to operate WKIX at Smithfield, North Carolina, and, upon grant, will promptly construct and operate the facilities.

Conclusion

For the foregoing reasons, NAC respectfully requests that the Commission grant the instant Petition and amend the Table of FM Allotments as follows:

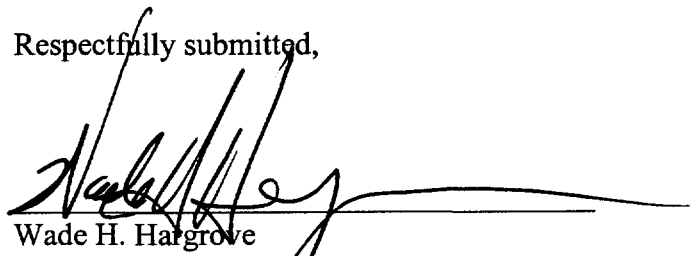
² All population figures are Census 2000 data.

North Carolina

	<i>Present</i>	<i>Proposed</i>
Goldsboro	245C, 272A	245C
Smithfield	-----	272A

NAC also respectfully requests that the Commission modify WKIX's license accordingly.

Respectfully submitted,


Wade H. Hargrove


David Kushner

Counsel to New Age Communications, Inc.

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August 3, 2001

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

**PETITION FOR RULE MAKING
NEW AGE COMMUNICATIONS, INC.
RE-ALLOT CHANNEL 272A
SMITHFIELD, NORTH CAROLINA
August 2001**

TECHNICAL EXHIBIT

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PETITION FOR RULE MAKING
NEW AGE COMMUNICATIONS, INC.
RE-ALLOT CHANNEL 272A
SMITHFIELD, NORTH CAROLINA
August 2001

TECHNICAL STATEMENT

1. This technical statement and attached exhibits have been prepared on behalf of New Age Communications, Inc. ("NAC"), licensee of WKIX, Channel 272A, Goldsboro, North Carolina.¹ NAC herein requests that Channel 272A be re-allotted from Goldsboro, North Carolina, to Smithfield, North Carolina. The proposed allotment to Smithfield is mutually exclusive with the present WKIX allotment at Goldsboro, North Carolina.

DISCUSSION

2. The community of Smithfield, North Carolina, is located in central Johnston, County North Carolina. Smithfield has a population of 11,524 persons.² Smithfield has a Mayor and town council. The city of Smithfield provides water services to its residents. There are numerous businesses, churches and residential areas in Smithfield. While Smithfield presently has one licensed daytime AM station, there are no full-time aural services licensed to the community. Further, Smithfield is not located in any Urbanized Area and is designated a city, as defined by the U.S. Census of North Carolina.

PROPOSAL

3. Channel 272A can be allotted to Smithfield, North Carolina, with a site restriction of 4.4 kilometers southeast of the community to avoid shortspacing WHLQ, Channel 273A,

-
- 1) NAC is operating WKIX under Automatic Program Test Authority with the facilities authorized in BPH-19980825IC.
- 2) City of Smithfield, as of July 2000.

Louisburg, North Carolina. The reference site for the proposed allotment of Channel 272A at Smithfield, North Carolina, is North Latitude 35° 28' 21" and West Longitude 78° 19' 43".

4. Attached as Exhibit #1 is a map depicting the area to locate a transmitter site for Channel 272A at Smithfield, North Carolina. Further, attached as Exhibit #2 is a §73.207 spacing study demonstrating that Channel 272A meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities, with the exception of the licensed facilities of WKIX. From the proposed reference site, a theoretical 3.16 mV/m (70 dBu) signal will be provided over Smithfield.

5. Therefore, NAC herein requests the following changes in §73.202 of the Commission's rules.

Smithfield, North Carolina

Present	Proposed
None	272A

Goldsboro, North Carolina

Present	Proposed
245C, 272A	245C ³

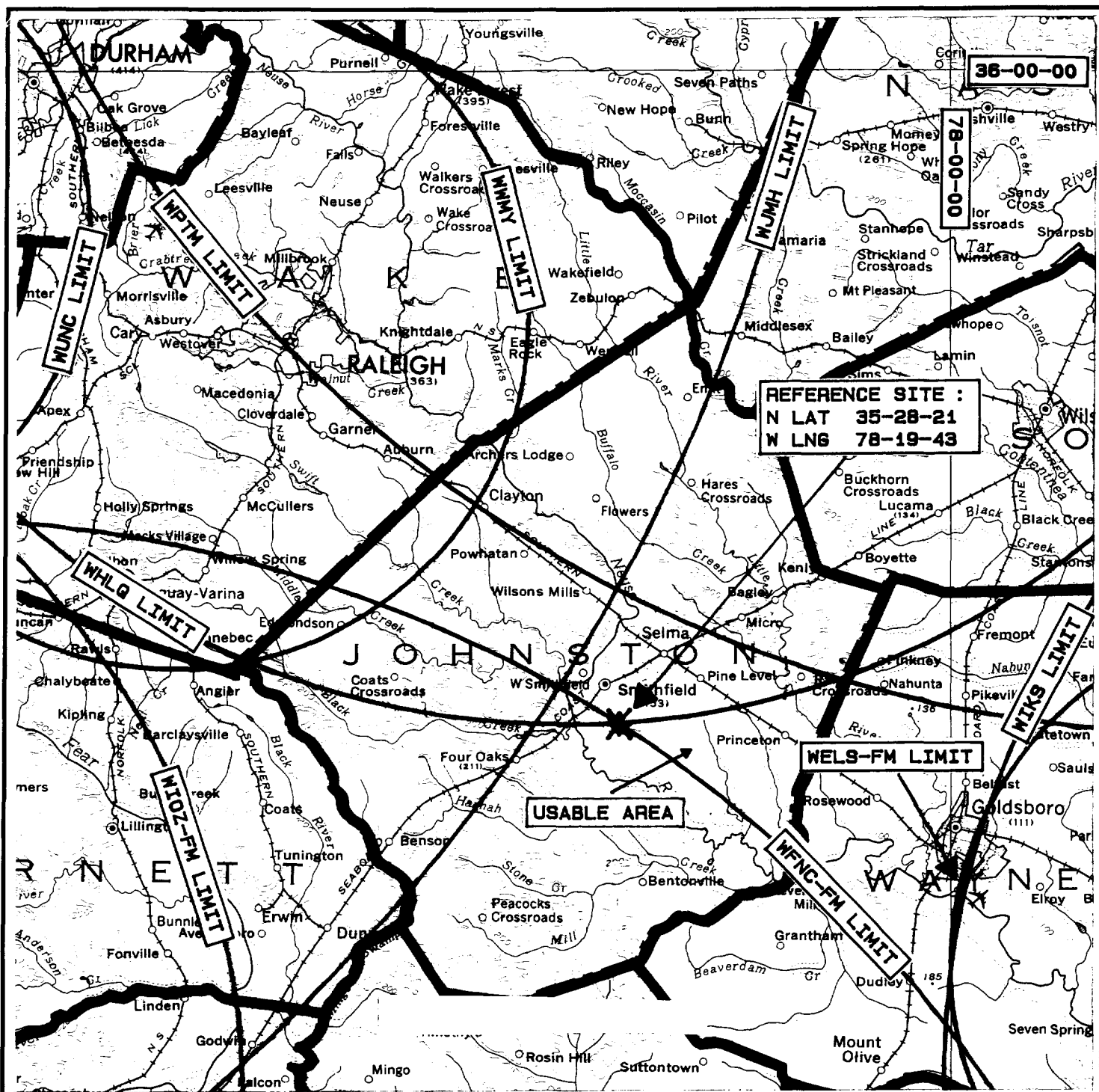
PUBLIC INTEREST

6. The allotment of Channel 272A to Smithfield, North Carolina, will provide that community with its first locally licensable FM channel (and first full-time station), without

3) In addition, full-time AM station WGBR, 1150 kHz, and daytime AM stations WFMC, 730 kHz, and WSSG, 1300 kHz, will remain licensed to Goldsboro, North Carolina.

depriving Goldsboro of its only local service, since FM station WYMY and AM stations WFMC, WGBR and WSSG will remain licensed to Goldsboro. A relocated WKIX, operating on Channel 272A at Smithfield, North Carolina, will provide 60 dBu (1.0 mV/m) service to 140,802 persons in 2,516.1 square kilometers. Once Channel 272A is allotted to Smithfield, North Carolina, NAC will submit the required minor change application for construction permit (FCC Form 301) seeking authority to make the changes to the facilities of WKIX.

7. The foregoing technical statement was prepared on behalf of New Age Communications, Inc., by Graham Brock, Inc., its Technical Consultants. All data related to FM facilities was extracted from the CDBS database. We assume no liability for errors or omissions in that database that may be adverse to the requests contained herein.



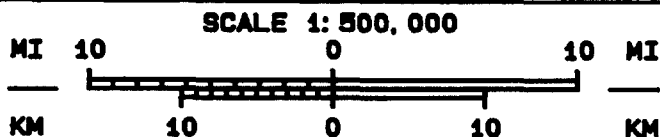
USABLE AREA CHANNEL 272A

MAP IS A PORTION OF THE 1: 500, 000 SCALE
U.S.G.S. BASE MAP OF NORTH CAROLINA.

EXHIBIT #1

**PETITION FOR RULE MAKING
NEW AGE COMM., INC.
RE-ALLOT CHANNEL 272A
SMITHFIELD, NORTH CAROLINA**

August 2001



GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

PETITION FOR RULE MAKING
NEW AGE COMMUNICATIONS, INC.
RE-ALLOT CHANNEL 272A
SMITHFIELD, NORTH CAROLINA
August 2001

EXHIBIT #2

ALLOCATION STUDY FOR SMITHFIELD, NORTH CAROLINA
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE		DISPLAY DATES
35 28 21 N	CLASS A	DATA 07-27-01
78 19 43 W	Current rules spacings	SEARCH 08-01-01
----- CHANNEL 272 -102.3 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WKIX.C	272A	Goldsboro	NC	115.3	19.41	115.0	-95.59
CP CN	35 23 52	78 08 07	2.100 kW	171M	12.1	71.5	
New Age Communications, Inc.				BPH-19990825IC			
WKIX	272A	Goldsboro	NC	105.9	30.03	115.0	-84.97
LIC CN	35 23 54	78 00 38	6.000 kW	89M	18.7	71.5	
New Age Communications, Inc.				BLH-19911226KB			
WHLQ	273A	Louisburg	NC	356.3	71.99	72.0	-0.01
LIC CN	36 07 12	78 22 48	6.000 kW	100M	44.7	44.8	
Franklin Broadcasting Company				BLH-19920108KA			
WFNCFM	272A	Lumberton	NC	212.7	115.05	115.0	0.05
LIC CN	34 35 58	79 00 33	6.000 kW	82M	71.5	71.5	
Cumulus Licensing Corp.				BMLH-19960730KA			
WFNCFM	272A	Lumberton	NC	212.7	115.05	115.0	0.05
LIC CN	34 35 58	79 00 33	3.000 kW	82M	71.5	71.5	
Cumulus Licensing Corp.				BLH-6600			
WJMH	271C	Reidsville	NC	302.1	170.71	165.0	5.71
LIC CY	36 16 33	79 56 27	100.000 kW	367M	106.1	102.6	
Entercom Greensboro License				BLH-19900412KB			
WPTM	272A	Roanoke Rapids	NC	24.4	125.85	115.0	10.85
LIC CN	36 30 12	77 44 47	5.400 kW	105M	78.2	71.5	
Mainquad Communications, Inc.				BLH-19930527KC			
WWMY	275A	Raleigh	NC	312.5	52.99	31.0	21.99
LIC C	35 47 38	78 45 41	1.700 kW	189M	32.9	19.3	
WWND Llc				BLH-19980702KF			
WELSFM	275A	Kinston	NC	109.0	63.84	31.0	32.84
LIC CN	35 17 03	77 39 53	3.000 kW	90M	39.7	19.3	
Willis Broadcasting Corporation				BLH-19901204KF			
WIKS	270C1	New Bern	NC	105.9	108.00	75.0	33.00
LIC CN	35 12 07	77 11 15	100.000 kW	299M	67.1	46.6	
Wiks License Limited Partners				BLH-19870306KD			
WIOZFM	273A	Southern Pines	NC	251.4	110.42	72.0	38.42
LIC CN	35 09 04	79 28 40	3.400 kW	133M	68.6	44.8	
Meridian Communications. L.L.C.				BLH-19951107KB			

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

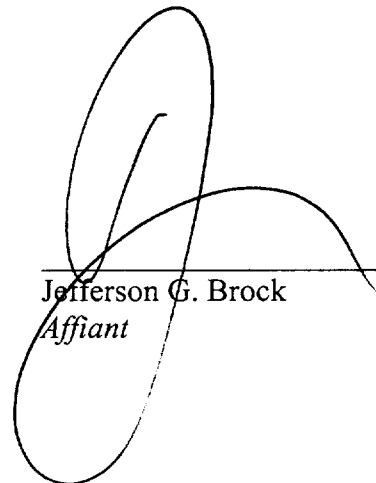
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by New Age Communications, Inc., licensee of Radio Station WKIX, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 1st day of August, 2001.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 1st day of August, 2001.*



Notary Public, State of Georgia
My Commission Expires: April 20, 2002